

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Case No.: 3:18-cv-00498-MMD-WGC

4 MICHAEL A. GERSHAM,

5 Plaintiff

6 v.

7 CALDWELL-BARR, et. al.,

8 Defendants

Order

9
10 On June 8, 2020, Plaintiff filed a notice of change of address indicating he was housed at
11 Lovelock Correctional Center (LCC). (ECF No. 26.) On October 12, 2020, Defendant filed her
12 motion for summary judgment (ECF No. 30), which indicates it was electronically served on
13 Plaintiff via the LCC law librarian. (ECF No. 30 at 17.) The proof of electronic service of the
14 motion for summary judgment lists an email address of lcclawlibrary@doc.nv.gov. (*Id.*)
15 Defendant also filed a motion for leave to file under seal Exhibits A-K in support of the motion
16 for summary judgment. (ECF No. 31.) The proof of service states that the motion for leave to file
17 under seal Exhibits A-K was electronically served on Plaintiff at LCC, however, it lists an email
18 address as nncclawlibrary@doc.nv.gov. (ECF No. 31 at 4.)

19 Plaintiff has filed a response to the motion for leave to file those exhibits under seal, so
20 he nevertheless received the motion. (*See* ECF No. 37.) The motion for leave to file the exhibits
21 under seal states that the exhibits would be mailed to the *NNCC* warden so that Plaintiff can
22 review the exhibits. (ECF No. 31 at 2:21-23.) At that time, Plaintiff was housed at LCC, and not
23 NNCC. In Plaintiff's filings, he states that the defense mailed the exhibits to the wrong facility,
and Plaintiff did not have access to them. (ECF No. 37 at 4; ECF No. 40 at 2.) In her reply brief,

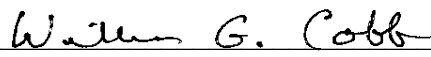
1 Defendant states that the exhibits were mailed to the institution concurrent with the filing of the
2 motion and therefore, Plaintiff has access to the exhibits. (ECF No. 42 at 2:8-11.) The reply
3 references an Exhibit 1, but it is unclear what exhibit the reply refers to as there is no Exhibit 1 to
4 the reply brief.

5 Defendant has until **5:00 p.m. on Friday May 14, 2021** to file either a proof of service or
6 declaration demonstrating that the sealed Exhibits A-K were sent to the warden at LCC, where
7 Plaintiff was housed when the motion was filed. Alternatively, if the exhibits were not sent to the
8 warden at LCC, Defendant shall so notify the court, and the court will issue an order requiring
9 service of the exhibits on Plaintiff at his current address of record, and the court will give
10 Plaintiff time to file a supplemental response to Defendant's motion for summary judgment.

11 The court notes that Plaintiff has filed another notice of change of address indicating that
12 he has been released from prison. The Clerk shall serve Plaintiff with a copy of this order at his
13 current address of record on Arlington Avenue in Reno.

14 **IT IS SO ORDERED.**

15 Dated: May 11, 2021

16 
17 William G. Cobb
18 United States Magistrate Judge
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